

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

YASMINE MAHONE and BRANDON  
TOLE,

Plaintiffs,

v.

AMAZON.COM, INC., et al.,

Defendants.

CASE NO. C22-594 MJP

ORDER DENYING MOTIONS TO  
SEAL

This matter comes before the Court on Plaintiffs' Motions to Seal. (Dkt. Nos. 75, 82.)  
Having reviewed the Motions to Seal and supporting materials, and noting the lack of any  
response or reply, the Court DENIES both Motions to Seal.

**BACKGROUND**

Plaintiffs have filed both Motions to Seal in order to comply with the Stipulated  
Protective Order and to enable them to file on the docket documents and testimony Defendants  
have marked as confidential. These records are being filed to support Plaintiffs' Motion for Class

1 Certification. In their Motions to Seal, Plaintiffs argue that they “do not believe that any  
 2 documents should be filed Under Seal.” (Mots. at 1.) Plaintiffs note that Defendants claim the  
 3 documents and testimony “involve proprietary business operations information that Amazon  
 4 intentionally does not release to the public.” (Mots. at 2.) But Defendants have not responded to  
 5 Plaintiffs’ Motions to Seal and there is no evidence concerning the nature of the documents at  
 6 issue or any potential harm to Defendants if the materials are publicly viewable.

### 7 ANALYSIS

8 The party seeking to keep material filed under seal must meet either the “good cause” or  
 9 “compelling interest” standard. See Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092,  
 10 1101 (9th Cir. 2016). The “compelling interest” test applies if “the motion [related to which the  
 11 materials are filed] is more than tangentially related to the merits of a case.” Id. Here, the  
 12 compelling interest test applies, because the Motion for Class Certification in support of which  
 13 the documents at issue were filed is “more than tangentially related to the merits of the case.” Id.

14 Under the “compelling interest” test, the Court must “conscientiously balance[] the  
 15 competing interests of the public and the party who seeks to keep certain judicial records secret.”  
 16 Kamakana v. City & Cty. of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (citation and  
 17 quotation omitted). The Court may only seal records if it “base[s] its decision on a compelling  
 18 reason and articulate[s] the factual basis for its ruling, without relying on hypothesis or  
 19 conjecture.” Id. (citation and quotation omitted). “The burden is on the party requesting a  
 20 protective order to demonstrate that (1) the material in question is a trade secret or other  
 21 confidential information within the scope of Rule 26(c), and (2) disclosure would cause an  
 22 identifiable, significant harm.” Foltz v. State Farm Mutual Auto. Ins. Co., 331 F.3d 1122, 1131  
 23 (9th Cir. 2003) (citation and quotation omitted). The Local Rules require the party seeking to  
 24

1 keep materials under seal to show: (1) “the legitimate private or public interests that warrant the  
2 relief sought”; (2) “the injury that will result if the relief sought is not granted”; and (3) “why a  
3 less restrictive alternative to the relief sought is not sufficient.” Local Civil Rule 5(g)(3)(B).  
4 “Evidentiary support from declarations must be provided where necessary.” Id.

5 There are no grounds to allow the materials to remain under seal. Defendants have failed  
6 to file any response to the Motions to Seal, leaving the Court without any argument as to why the  
7 documents should be sealed. Even if they had, argument alone is not be sufficient. See Local  
8 Civil Rule 5(g)(3)(B). Defendants have also failed to provide any evidentiary support. See id.  
9 There is no evidence before the Court that the documents at issue contain trade secrets or other  
10 confidential information or that public access to the documents would cause Defendants an  
11 identifiable, significant harm. See Foltz, 331 F.3d at 1131. There are no compelling interests (or  
12 good cause) that might warrant an order permitting these records to be kept under seal. The  
13 Court therefore DENIES the Motions to Seal.

#### 14 CONCLUSION

15 There are no grounds or evidence before the Court as to why the documents at issue  
16 should be sealed. The Court DENIES the Motions to Seal. The Clerk is directed to unseal  
17 Exhibits 1 through 14 of the Declaration of Brian Lawler (Dkt. No. 76) and Exhibits 2 through 9  
18 of the Declaration of Gene Stonebarger (Dkt. No. 83).

19 The clerk is ordered to provide copies of this order to all counsel.

20 Dated January 25, 2024.

21 

22 Marsha J. Pechman  
23 United States Senior District Judge  
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